

REMARKS/ARGUMENTS

On the PTOL-326 Continuation Sheet and in paragraph 2 of the Office Action, the withdrawn claims are incorrectly listed. Applicant respectfully submits that the claims withdrawn, as in Applicant's previous restriction election, are 8-14, 22, 23, 31, 40-46, 54, 55, 63, 72-78, 86, 87, 95, and 97-107.

102(b) Rejections

The Examiner has rejected claims 1-7, 15, 17, 19, 21, 24-30, 32-39, 47, 49, 51-53, 56-59, 79, 81, 83-85, 88-91, 96, 108 and 109 under 35 U.S.C. 102(b) as being anticipated by LeFleur (U.S. Pat. No. 5,607,237)

The Examiner has rejected claims 1, 15-17, 19-21, 24-27, 32, 33, 47-49, 51-53, 56-59, 79-81, 83-85, 88-91, 96, 108 and 109 under 35 U.S.C. 102(b) as being anticipated by Van de Pol (U.S. Pat. No. 4,664,957)

103(a) Rejections

The Examiner has rejected claims 18, 50 and 82 under 35 U.S.C. 103(a) as being unpatentable over LeFleur (U.S. Pat. No. 5,607,237)

The Examiner has rejected claims 28-30-60-62 and 92-94 under 35 U.S.C. 103(a) as being unpatentable over LeFleur (U.S. Pat. No. 5,607,237) in view of Marino (U.S. Pat. No. 5,339,872)

The Examiner has rejected claims 28-30-60-62 and 92-94 under 35 U.S.C. 103(a) as being unpatentable over Van de Pol (U.S. Pat. No. 4,664,957) in view of Marino (U.S. Pat. No. 5,339,872)

Applicant's Response

Applicant has amended claim 1 to affirmatively claim the concrete storage reservoir and the distribution means of Applicant's invention. None of the prior art cited by Examiner relates to wet concrete containment bags, nor any association of same with the concrete source and a distribution means. Applicant respectfully submits that amended claim 1 is in condition for allowance and that Examiner's rejection of all claims depending therefrom is moot.

Applicant has amended claim 33 to include a support frame as is supported in the specification at page 28, line 20 through page 29, line 11. Applicant respectfully submits that amended claim 33 is in condition for allowance and that Examiner's rejection of all claims depending therefrom is moot.

Applicant has amended claim 65 to affirmatively claim the concrete storage reservoir and the distribution means of Applicant's invention, and including a means for supporting an opening in the container to maintain the shape of the opening, as is supported at page 23, lines 9-16 of the specification. None of the prior art cited by Examiner relates to wet concrete containment bags, nor any association of same with the concrete source and a distribution means. Applicant respectfully submits that amended claim 65 is in condition for allowance and that Examiner's rejection of all claims depending therefrom is moot.

Applicant has amended claim 108 to affirmatively claim the concrete storage reservoir and the distribution means of Applicant's invention. None of the prior art cited by Examiner relates to wet concrete containment bags, nor any association of same with the concrete source and a distribution means. Applicant respectfully submits that amended claim 108 is in condition for allowance and that Examiner's rejection of all claims depending therefrom is moot.

LaFleur '237 teaches a bag for storing and shipping bulk granular and liquid materials. There is no teaching in LaFleur '237 of association with a concrete storage reservoir or association with a distribution means. Further, LaFleur '237 does not teach a supporting frame, nor supporting means for maintaining the shape of an opening in the bag.

Van de Pol '957 teaches a bag for transporting and storing bulk materials. There is no teaching in Van de Pol '957 of association with a concrete storage reservoir or association with a distribution means. Further, Van de Pol '957 does not teach a supporting frame, nor supporting means for maintaining the shape of an opening in the bag.

Marino '872 teaches a spill containment bag to catch oil leaks. Further, Marino '872 does not teach a supporting frame, nor supporting means for maintaining the shape of an opening in the bag.

CONCLUSION

The above amendments are to form only, and, thus, no new matter was added.

In light of the amendments to claims 1, 33, 65 and 108, Applicant respectfully submits that Claims 1, 33, 65 and 108, and all claims depending therefrom, are now allowable.

Otherwise, should the Examiner have any questions regarding this submission, he is invited to contact the undersigned counsel at the address or telephone number below.

{Signature follows on next page}

Inglese, Pat

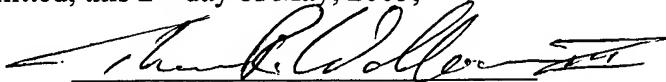
Appl. No. 10/722,153

Filed: November 25, 2003

Atty. Docket No. 21480-RA

Page 27 of 27

Respectfully submitted, this 2nd day of May, 2005,



Thomas R. Williamson III, Esq.

Reg. No. 47,180

Email: twilliamson@mkiplaw.com

MYERS & KAPLAN,
INTELLECTUAL PROPERTY LAW, L.L.C.
1899 Powers Ferry Road
Suite 310
Atlanta, GA 30339
Phone: (770) 541-7444
Fax: (770) 541-7448